

REMARKS

The claims were rejected over Intel's AC '97 specification, together with the argument that mere duplication does not rise to a patentable invention.

However, mere duplication would simply involve using two AC'97 codecs. For example, if someone wanted to play one audio program while recording another, he or she would obtain two AC '97 codecs and play one audio stream through one codec and record the other through the other codec. Presumably, the Examiner would contend that is what is done conventionally.

However, with the claimed invention, a single codec is adapted to handle both streams through a common digital interface. There is not mere duplication because there is a common digital interface which services two separate mixers. One important advantage of such an arrangement is that it is possible to switch on the fly. For example, if a first mixer is receiving a stream which is going to a digital recording device and the second mixer is receiving a stream which is being played real time, it is possible, when using a single codec handling both streams, to switch outputs on the fly. Thus, if you wanted to stop recording one stream and listen to it live, the streams may be switched so that the previously recorded stream is now played live in one example. This may be done without changing the output connections to the speakers or recording device but, rather, simply by switching the streams internally within the codec. See e.g., specification at page 7, lines 23 through page 8, line 3.

No such operation is possible with mere duplication via the use of two AC '97 codecs. Thus, the case on mere duplication either does not apply or an unexpected result is achieved by using a single codec instead of two codecs.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

Claim 3 calls for a plurality of programmable ports so that the connections from the digital interface to the digital to analog converters may be changed. This allows the functionality described above. The assertion that it would be obvious in the abstract to do what the cited prior art does not do fails to make out a *prima facie* rejection. The art must teach the claimed invention or a rationale to make the modification. Here the reference, which does not teach anything about changing connections, cannot render it obvious per se since it fails to in any way suggest the modification.

Therefore, reconsideration of the rejection of claim 3 is respectfully requested.

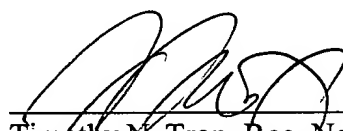
For the reasons set forth above with respect to claim 1, claim 5 should be in condition for allowance. For the reasons set forth above with respect to claim 3, claim 10 should also be allowable. For the reasons set forth above with respect to claim 1, claim 12 should also be in condition for allowance. For the reasons set forth above with respect to claim 3, claim 14 should also be in condition for allowance.

For the reasons set forth above with respect to claim 3, claim 17 should be in condition for allowance. Also, claim 20 should be in condition for allowance for at least the same reasons.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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